

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

Docket No.: 04-12654 RGS

FRED T. VANDAM,

Plaintiff,

vs.

DAVID M. MCSWEENEY,
TRUSTEE OF MCREALTY TRUST,
ROCKLAND LEASE FUNDING CORP.,
UNITED STATES OF AMERICA, AND
GENERAL ELECTRIC COMMERCIAL
EQUIPMENT FINANCING, a division of
GENERAL ELECTRIC CAPITAL CORP.

Defendants.

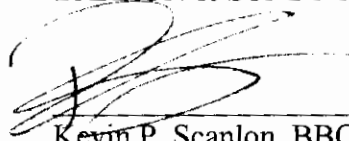
**PLAINTIFF/Defendant-in-Counterclaim, FRED T. VANDAM'S, MOTION FOR
SUMMARY JUDGMENT ON ALL COUNTS OF THE DEFENDANT/Plaintiff-in-
Counterclaim, DAVID M. MCSWEENEY, TRUSTEE OF MCREALTY TRUST'S
COUNTERCLAIM**

Pursuant to Fed.R.Civ.P. 56 and Local Rule 56.1, Plaintiff/Defendant-in-Counterclaim Fred T. Vandam ("Vandam"), moves the Court to enter judgment in favor of Vandam and against Defendant/Plaintiff-in-Counterclaim David M. McSweeney, Trustee of McRealty Trust, (McSweeney), because there exists no genuine issue of material fact to be tried and Vandam is entitled to judgment as a matter of law.

The grounds for this motion are more fully set forth in the accompanying Memorandum of Law in Support of its Motion for Summary Judgment.

Respectfully submitted,
FRED T. VANDAM
By his attorneys,

BARRON & STADFELD P.C.

A handwritten signature in black ink, appearing to be "K. Scanlon", written over a horizontal line.

Kevin P. Scanlon, BBO: 564978
Randy J. Spencer, BBO: 653879
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Boston, MA 02114

CERTIFICATE OF SERVICE.

I, Randy J. Spencer, hereby certify that on August 16, 2005 I served a copy of the foregoing by mailing a copy first class mail, postage prepaid to

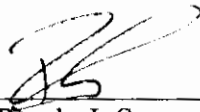
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Randy J. Spencer

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